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FILED
 Clerk
 District Court

JUN 20 2007

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF THE NORTHERN MARIANA ISLANDS**

9
 10 UNITED STATES of AMERICA,

11 Plaintiff,

12 v.

13 NORBERT BENAVENTE CAMACHO,

14 Defendant.

) Case Nos.: 07-00007 - 1
)
) **PLEA AGREEMENT**
)
) Date:
) Time:
) Judge: Hon. Alex R. Munson

16 Pursuant to Rules 11(c)(1), (c)(1)(A), and (c)(1)(B) of the Federal Rules of Criminal
 17 Procedure, the United States and Defendant, NORBERT BENAVENTE CAMACHO, have
 18 reached a plea agreement in the above-captioned cases. Defendant has been advised and
 19 understands that, under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the
 20 terms of this agreement are merely recommendations to the Court. The Court can reject them
 21 without permitting Defendant to withdraw his plea of guilty and can impose a sentence that is
 22 more severe than he anticipates.

24 The Agreement follows:

1. Under Rule 11(c)(1) of the Federal Rules of Criminal Procedure, Defendant
2 will plead guilty to the Indictment in Case No.07-00007, which charges Defendant with one
3 count of Conspiracy to Distribute a Controlled Substance, that is, d-methamphetamine
4 hydrochloride in the form commonly known as "ice," in violation of 21 U.S.C. § 846, and one
5 count of Distribution of a Controlled Substance, that is, d-methamphetamine hydrochloride in
6 the form commonly known as "ice," in violation of 21 U.S.C §§ 841(a)(1) and (b)(1)(C).
7 Defendant agrees that the time between the filing of this agreement and the date Defendant is
8 sentenced following his change of plea is excludable under the Speedy Trial Act, 18 U.S.C. §
9 3161.

10. 2. In exchange for Defendant's guilty plea:
11 a. Pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal
12 Procedure, the government will recommend that the Court impose a term of
13 imprisonment within the range of sentences for the offense level determined by the Court
14 under the United States Sentencing Guidelines ("U.S.S.G.," the "guidelines," or the
15 "sentencing guidelines") but not including probation or a split-sentence even if permitted
16 under the guidelines, provided Defendant does not seek a downward departure from that
17 offense level for any reason.

18 b. Pursuant to Rule 11(c)(1)(A) of the Federal Rules of Criminal
19 Procedure, the government will move at the time of sentencing to dismiss the Indictment
20 against Defendant in Case Number CR. 07-00005, which charges him with one count of
21 Conspiracy to Distribute a Controlled Substance, that is, d-methamphetamine hydrochloride
22 in the form commonly known as "ice," in violation of 21 U.S.C. § 846, and one count of
23

1 Distribution of a Controlled Substance on or about March 21, 2007 in violation of 21 U.S.C.
2 §§ 841(a)(1) and (b)(1)(C).

3 c. The government agrees to recommend a two-level reduction in the
4 offense level for acceptance of responsibility under U.S.S.G. § 3E1.1(a) provided Defendant
5 continues to demonstrate such acceptance through sentencing.

6 d. As of the date of this agreement, Defendant has timely notified
7 authorities of his intention to enter a plea of guilty. If – and only if – Defendant:

- 8 i. pleads guilty pursuant to this agreement;
- 9 ii. on or before the date scheduled by the Court; and
- 10 iii the offense level is sixteen (16) or greater,

11 the government will move the Court for an additional one-level decrease in the offense level
12 under U.S.S.G. § 3E1.1(b)(2).

13 e. The government is free to recommend any combination and amount of
14 supervised release and fines which it deems appropriate.

16 3. The United States and Defendant stipulate to the following facts and
17 application of the guidelines:

18 a. In or about February 2007, up to and including at least February 20,
19 2007, Defendant conspired with others, specifically, Dina Torres Gonzales, to distribute a
20 quantity of d-methamphetamine hydrochloride in the form commonly known as “ice,” in
21 violation of 21 U.S.C. § 846.

22 b. On or about February 20, 2007, Defendant distributed and aided and
23 abetted Dina Torres Gonzales in the distribution of a quantity of d-methamphetamine

1 hydrochloride in the form commonly known as "ice," in violation of 21 U.S.C §§ 841(a)(1)
2 and (b)(1)(C).

3 c. The quantity of ice that Defendant and Dina T. Gonzales distributed on
4 or about February 20, 2007 was .74 grams, having a purity of approximately ninety-eight
5 percent (98%).

6 d. The applicable section of the Guidelines for the offenses to which
7 Defendant is pleading guilty is § 2D1.1.

8 4. Except as expressly provided in paragraphs two (2) and three (3), above, the
9 parties have made no agreement concerning the facts, the guidelines, or their application to
10 this case. Both parties reserve the right to present and argue evidence on all matters affecting
11 the guidelines calculation.

12 5. The government reserves its full right of allocution, including the right to
13 present to any information to the Court for its consideration in fashioning an appropriate
14 sentence, the right to correct misstatements, misrepresentations, or omissions by the
15 defendant, and the right to answer without limitation any questions asked by the Court.

16 6. Defendant has been advised and understands that if the Court accepts his plea,
17 he will be adjudged guilty of felony offenses and that such adjudication may deprive him of
18 certain civil rights, including:

19 a. the right to vote;
20 b. the right to hold public office;
21 c. the right to serve on a jury;
22 d. the right to possess any kind of firearm; and
23 e. the right to any federal government loans, grants, or aid in the future.
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1 7. The maximum statutory penalties for the offenses to which Defendant is
2 pleading guilty are as follows:

3 a. up to twenty (20) years imprisonment for Conspiracy to Distribute a
4 Controlled Substance;

5 b. up to twenty (20) years imprisonment for Distribution of a Controlled
6 Substance;

7 c. a fine of one million dollars (\$ 1,000,000.00) on each count;

8 d. a term of supervised release of at least three (3) years and not more
9 than life on each count; and

10 e. a mandatory special assessment of one hundred dollars (\$100.00) on
11 each count.

12 If the Court were to impose consecutive sentences for the offenses to which Defendant
13 is pleading guilty, the cumulative maximum sentences would be a term of imprisonment of to
14 forty (40) years, fines of two million dollars (\$ 2,000,000.00), a term of supervised release of
15 no less than three (3) years and not more than life, and mandatory special assessments of two
16 hundred dollars (\$ 200.00).

18 8. Defendant agrees to pay the mandatory special assessments by returning the
19 signed Plea Agreement to the United States Attorney's Office with a money order or certified
20 check payable to the Clerk, United States District Court. Failure to do so, unless the Court
21 has made a previous finding of indigence, will relieve the government of its obligation to
22 recommend a reduction in the offense level for an acceptance of responsibility under the
23 guidelines.

1 9. Defendant understands that the Court must consider the sentencing guidelines
2 in determining an appropriate sentence in this case but that the guidelines are only advisory
3 and not binding on the Court. Defendant also understands that the Court alone makes all
4 sentencing decisions including the application of the guidelines and the sentence to be
5 imposed. The Court, in its discretion, may impose any reasonable sentence up to and
6 including the maximum penalties set by law after taking into account the factors enumerated
7 in 18 U.S.C. § 3553(a). Defendant is advised and further understands that, even if the Court's
8 guideline determinations and sentence are higher than Defendant may expect, Defendant will
9 not be allowed to withdraw his guilty plea. And Defendant understands that, in the United
10 States Penal System, there is no parole and if the Court sentences him to prison he will not be
11 released on parole.

12 10. Defendant understands that he may have the right to file a direct appeal from
13 his conviction or sentence. Defendant knowingly and voluntarily waives any right he may
14 have to file such an appeal. Defendant further understands that other procedures may be
15 available to challenge his conviction or sentence. Defendant also knowingly and voluntarily
16 waives any right he may have to file post-conviction relief actions, including actions under 28
17 U.S.C. §§ 2255 and 2241 and motions to reconsider or reduce his sentence. This waiver,
18 however, does not prevent Defendant from challenging the effectiveness of his attorney after
19 conviction.

21 11. This agreement does not affect the rights or obligations of the United States as
22 set forth in 18 U.S.C. § 3742(b), and the government retains its right to appeal any of the
23 Court's sentencing determinations.

12. Defendant has been advised and understands that he has the following rights:

1 a. the right to plead not guilty and to persist in that plea;

2 b. the right to a jury trial;

3 c. the right at trial to be presumed innocent and require the government to

4 his guilt beyond a reasonable doubt;

5 d. the right to be represented by counsel – and, if necessary, have the

6 Court appoint counsel to represent Defendant – at trial and every other critical stage of the

7 proceeding;

8 e. the right at trial to see and hear all of the witnesses and for his counsel

9 to cross-examine them in his defense;

10 f. the right at trial to testify and present evidence but only if he

11 voluntarily elected to do so;

12 g. the right at trial to the issuance of subpoenas or compulsory process to

13 compel the attendance of witnesses to testify in his defense; and

14 h. the right at trial, if he decided not to testify or present evidence, not to

15 have those facts used against him and to be otherwise protected against self-incrimination.

16 Defendant is advised and further understands that, if he pleads guilty and the Court accepts

17 his plea, he waives all of these rights.

18 13. Defendant understands that the offenses to which he is pleading guilty have
19 separate and distinct elements. If the case were to go to trial, the government would have to
20 prove each of those elements beyond a reasonable doubt.

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The elements of Conspiracy, charged in Count 1 of Case No. 07-00007 are:

a. That the Defendant agreed with one or more persons to distribute a controlled substance, that is, a quantity of d-methamphetamine hydrochloride in the form commonly known as "ice;" and

b. That Defendant was or became a member of the conspiracy knowing of its object, that is, distributing a controlled substance, that is, a quantity of d-methamphetamine hydrochloride in the form commonly known as "ice," and intending to help accomplish it.

The elements of Distribution of a Controlled Substance, charged in Count 2 of Case No. 07-00007 are:

a. That Defendant knowingly delivered or aided and abetted in the delivery of a controlled substance, that is, a quantity of d-methamphetamine hydrochloride in the form commonly known as "ice," or some other prohibited drug; and

b. That Defendant knew that the substance was d-methamphetamine hydrochloride in the form commonly known as "ice," or some other prohibited drug.

14. This agreement is binding on the government only if Defendant pleads guilty, fulfills all of his obligations under the agreement, does not engage in any conduct constituting obstruction of justice as defined in U.S.S.G. § 3C1.1, and does not commit any new offenses.

15. Defendant understands that if he violates this agreement in any way, the government will have considered the agreement to have been breached. In that event, Defendant shall not have the right to withdraw his plea of guilty. The government, however, will be released from all obligations and restrictions imposed by the agreement. The government may, in its sole discretion and without limitation, proceed with any one or more of the following steps:

- a. go forward with the guilty plea and sentencing;
- b. make any and all sentencing recommendations that it deems appropriate;
- c. treat the agreement as a nullity, that is, as though the parties had never entered into it, withdraw the agreement , and go to trial on the Indictment;
- d. pursue additional charges against Defendant; and
- e. use against Defendant, in this and in any other prosecution and proceeding, any and all information, statements, and testimony – including stipulations made in this agreement – that he has provided at any time to the government, the grand jury, or to the Court.

16. This agreement is limited to the District of the Northern Mariana Islands. It does not bind any other federal, state, or local authorities.

17. This agreement constitutes the entire agreement between the parties. No other promises or inducements have been made concerning the plea in this case. Defendant acknowledges that no person has, directly or indirectly, threatened or coerced Defendant to enter into this agreement. Any additions, deletions, or modifications to this agreement must be made in writing and signed by all parties in order to be effective.

18. Counsel for Defendant states that he has read this agreement, been given a copy of it for his files, explained it to Defendant, and states that to the best of counsel's knowledge and belief, Defendant understands the agreement.

19. Defendant states that he has read this agreement or had it read to him, has
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discussed it with his counsel, understands it, and agrees to its provisions.
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4 *WB Camacho*
NORBERT BENAVENTE CAMACHO
5 Defendant

6 - 20 - 07
Date

6 *RTT*
7 ROBERT TENORIO TORRES
Court Appointed
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6/20/07
Date

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10 CRAIG N. MOORE
11 Assistant U.S. Attorney
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13 6/26/07
14 Date
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